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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

# Human Rights and mass exoduses

## Report of the Secretary-General

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## Introduction

1. At its forty-ninth session, by resolution 1993/70, the Commission on Human Rights invited again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of these exoduses. It requested all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and to provide them with all information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates.

2. The Commission also noted that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees had specifically acknowledged the direct relationship between observance of human rights standards, refugee movements and problems of protection and solutions, and welcomed the High Commissioner's contributions to the deliberations of international human rights bodies and encouraged her to seek ways to make these contributions even more effective. The High Commissioner was also invited to address the Commission at its fiftieth session.

3. With respect to the complex factors that cause mass movements of populations, the Commission took note of General Assembly resolution 46/127 and welcomed the statement made by the United Nations High Commissioner for Refugees in which she emphasized the need for early response to human rights situations which threaten to generate refugees and displaced persons, or which impede their voluntary return.

4. With regard to early warning activities the Commission urged the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early warning activities in the humanitarian area by, inter alia, the designation of the Department for Humanitarian Affairs as the focal point for early warning in this area and for strengthened coordination between relevant offices of the Secretariat concerned with early warning and organizations of the United Nations system, for the purpose of ensuring, inter alia, that effective action is taken to identify human rights abuses which contribute to mass outflows of persons. The Commission also welcomed the decisions by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early warning consultation related to possible flows of refugees and displaced persons, based on the sharing and analysis of relevant information between United Nations bodies, and to designate the Department of Humanitarian Affairs as the focal point of the United Nations inter-agency early warning consultation.

5. The Commission urged the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early warning consultation as well as all concerned bodies involved in this consultation to cooperate fully in, and devote the necessary resources to, the successful operation of the consultation.

6. In paragraph 16 of its resolution 1993/70, the Commission requested the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and non-governmental organizations for information and to prepare, within existing resources, and submit to the Commission at its present session a report outlining the principal developments in the United Nations system with regard to early warning and preventive diplomacy since the issuance of "An Agenda for Peace", paying particular attention to early warning and preventive diplomacy in the areas of human rights and humanitarian assistance.

7. It should be recalled that "An Agenda for Peace" notes that the most desirable and efficient employment of diplomacy is to ease tensions before they result in conflict - or, if conflict breaks out, to act swiftly to contain it and resolve its underlying causes. Preventive diplomacy requires, inter alia, early warning based on information gathering and informal or formal fact-finding.

8. In another development, the World Conference on Human Rights adopted the Vienna Declaration and Programme of Action on 25 June 1993. Paragraph 23 of part I refers to the right to seek and to enjoy in other countries asylum from persecution and to the right to return to one's own country. A comprehensive approach by the international community is called for, including the countries concerned and relevant organizations. This approach should address, inter alia, the root causes of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms.

9. The General Assembly at its forty-eighth session adopted resolution 48/135 of 20 December 1993, in which it recalled its endorsement, in its resolution 41/70, of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees. It reiterated, inter alia, the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language. It requested all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights and humanitarian law, as this would contribute to averting new massive flows of refugees and displaced persons.

10. The General Assembly also welcomed the recommendation contained in paragraph 3 of Commission on Human Rights resolution 1993/70 that special rapporteurs, special representatives and working groups studying situations of violation of human rights should pay attention to problems resulting in mass exoduses of populations and, where appropriate, report and make relevant recommendations to the Commission on Human Rights. It also welcomed the contributions of the High Commissioner to the deliberations of international human rights bodies, and encouraged her to seek ways to make these contributions even more effective.

11. In paragraph 10 of the resolution the Assembly took note of the emphasis placed by the Secretary-General in his report to the General Assembly at its forty-seventh session (A/47/595) on the need to develop the capacity of the United Nations for early warning and preventive diplomacy to help deter humanitarian crises. It reiterated, in that regard, its previous resolutions on the question of human rights and mass exoduses, and requested the

Secretary-General, in the further development of the capacity of the Secretariat for early warning and preventive diplomacy, to pay particular attention to international cooperation to avert new flows of refugees.

12. The General Assembly reiterated a number of provisions of the Commission resolution with regard to early warning activities. It invited the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons.

13. Finally, the General Assembly, in paragraphs 20 and 21, requested the Secretary-General to report to the General Assembly at its fiftieth session on the strengthened role that he is playing in undertaking early warning activities, especially in the areas of human rights and humanitarian assistance, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees and the recommendations of the Joint Inspection Unit. It also invited the Secretary-General to include in his report to the General Assembly at its fiftieth session detailed information on the programmatic, institutional, administrative, financial and managerial efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such outflows.

## I. ACTION TAKEN BY THE SECRETARY-GENERAL

14. The Department of Humanitarian Affairs (DHA), which was set up in April 1992, was designated by the Administrative Cooperation Committee (ACC) in October 1992 to serve as focal point in launching and coordinating the periodic inter-agency consultations on early warning of new mass flows of refugees and displaced persons. General Assembly resolution 41/70 of 3 December 1986 which endorsed the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees should also be recalled in this context.

15. Pursuant to the decision of ACC, DHA convened the first consultation on early warning of new mass flows of refugees and displaced persons on 4 February 1993 at Geneva. The following offices and agencies were represented: United Nations Department of Political Affairs, United Nations Centre for Human Rights, United Nations Children's Fund, United Nations Development Programme, United Nations Development Fund for Women (invited upon special request), United Nations Environment Programme, United Nations High Commissioner for Refugees, Food and Agriculture Organization, United Nations Educational, Scientific and Cultural Organization, World Health Organization and DHA; the International Committee of the Red Cross and the International Organization for Migration attended in an observer capacity. (The consultative group, as established by ACC, also includes the World Food Programme.)

16. At the meeting on 4 February 1993 it was agreed that DHA should serve as focal point and facilitator of the early warning network. All participating agencies and offices were asked to designate contact persons. DHA agreed to carry out the new functions and to take the lead in identifying relevant early

warning indicators regarding new mass flows. All participants confirmed their commitment to the early warning consultation and stressed the need for careful preparation of these new meetings.

17. Since the first meeting, four additional consultations have been held at Geneva. As a rule, they have highlighted a few cases in which the group agreed that further difficulties might cause new mass exoduses, and recommended that these issues be given special attention at the executive level.

18. In light of its specific responsibility and in view of relevant provisions of General Assembly resolution 46/182, DHA has initiated work on the establishment of a humanitarian early warning system. Combining the capacities of its Geneva and New York branches, the Department has begun to implement a plan of action funded by a two-year grant from the Government of Japan. Four new staff members in the New York office are specifically engaged in the conceptualization and realization of the humanitarian early warning system which, when completed, will be very useful in underpinning the inter-agency early warning consultations.

19. DHA has also taken part in the follow-up discussion within the United Nations Secretariat on the implementation of the recommendations contained in "An Agenda for Peace" and on the establishment of an interdepartmental early warning mechanism. It is expected that once the interdepartmental effort assumes concrete form, DHA will cooperate fully with the other relevant departments and offices and help set up a fully integrated information system and early warning mechanism benefiting the political and peace-keeping as much as the humanitarian activities.

20. Since its inception, DHA, has tried to make a contribution to the prevention as well as resolution of conflicts and other crises. As the new momentum in the Secretariat begun after the issuance of "An Agenda for Peace" continues, it can be expected that major progress in information-gathering and early warning analysis will further strengthen the role of humanitarian activities in prevention of crises and in early response.

21. Finally, in compliance with the request addressed to him in paragraph 16 of Commission on Human Rights resolution 1993/70, the Secretary-General, on 26 May 1993, addressed notes verbales to all Governments and letters to United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations concerned and requested them to provide him with information and views relating to the aforementioned resolution and drawing particular attention to the paragraphs noted in the introduction above. The replies received from Austria, Chad, Colombia, Cuba, Denmark, Finland, Guatemala, Iraq and Nepal are summarized in annex I to the present report; the reply of the Holy See is included in annex II; the reply of the United Nations High Commissioner for Refugees and of the International Federation Terre des Hommes are summarized and/or reproduced in annexes III and IV respectively. The International Commission of Jurists sent its report "Refugees from Myanmar" dated October 1992 while the Organization of American States stated that it had most recently studied this area in relation to the situations in Guatemala and Haiti and sent a copy of its report on Haiti.

## Annex I

## REPLIES RECEIVED FROM MEMBER STATES

### Austria

[Original: English]
[19 October 1993]

The Federal Government of Austria welcomes the growing involvement of the Commission of Human Rights and the Centre for Human Rights in issues relating to the prevention of massive population movements. With present world trends, migration between States might develop to unprecedented levels. It is therefore of great importance that all relevant United Nations bodies increasingly devote attention to the causes of massive migratory movements and to their mitigation. It is equally important that all relevant institutions within the United Nations system closely cooperate in this regard.

The Federal Government of Austria has heavily emphasized the relationship between conflict prevention and population movements in a number of regional forums, such as the Conference of Security and Cooperation in Europe, the Council of Europe and in the contacts with neighbouring States carried out in the framework of subregional cooperation mechanisms such as the Central European Initiative.

The appropriate Austrian authorities have initiated cooperation with an independent Austrian human rights institute, with a view to make a proper assessment of human rights developments in relevant countries of origin.

In regard to paragraph 16 of the resolution, Austria welcomes the requests that the Secretary-General, within existing resources, would prepare a report to the next session of the Commission, outlining the principal developments in the United Nations system with regard to early warning and preventive diplomacy. However, according to the views of the Federal Government of Austria, this report should in particular focus on the need for preventive action to combat and mitigate the basic causes of massive migratory flows, by way of well-coordinated United Nations action, in cooperation with all other intergovernmental bodies concerned.

### Chad

[Original: French]
[10 September 1993]

General Assembly resolution 44/164 of 15 December 1989 refers to the means at the disposal of United Nations bodies to avert new massive flows of refugees and displaced persons.

To facilitate this preventive role, a preliminary list of the factors contributing to refugee flows and the displacement of populations should be made. It is also important to identify internal causes within each State.

Recognition of, and respect for, the human person and the right to life are prerequisites for the promotion of human rights and fundamental freedoms in States where these rights and freedoms are constantly and ceaselessly violated by the regimes in power, despite the fact that they are responsible for ensuring their protection and observance.

Just as in the United Nations system, which has coordination and consultation machinery known as the Department of Humanitarian Affairs, an independent body with the same responsibility should be set up within States.

To ensure that the information to be gathered by the Secretary-General of the United Nations is reliable, it is important that he should contact, preferably, the Human Rights Commission of the Higher Council of Transition (CST), human rights associations and civil organizations such as trade unions in order to gain a clear idea of the situation of refugees and displaced persons.

There should be cooperation between all bodies working to prevent refugee flows and the mass exodus of populations.

Nevertheless, taking into account the fact that many Governments are involved in the suffering of populations, and to ensure greater transparency and effectiveness, the coordination, supervision and monitoring of the activities of these various bodies should preferably be entrusted to an independent body, in this case the Human Rights Commission under the authority of the Higher Council of Transition, with the participation of the political parties, human rights associations and civil organizations. Very often, an increase in the number of refugees and displaced persons is due to the failure of incumbent regimes to appreciate the scope of human rights.

## Colombia

[Original: Spanish]
[16 November 1993]

A displaced person is any person who has been obliged to migrate within the national territory, abandoning his place of residence or his customary occupation, because his life, person or freedom has been jeopardized or is threatened owing to the existence of any of the following situations: internal armed conflict, internal disturbances or tensions, widespread violence, massive violations of human rights, natural or man-made disasters, or other circumstances originating from prior situations liable drastically to disturb public order.

The right to life, to security of person and to freedom are the rights most commonly violated in Colombia. Despite the legal provisions which exist to safeguard human rights, some members of the police and State agencies, as well as guerrilla groups and drug terrorist groups, have committed violations of human rights.

The massacres, tortures and disappearances in which members of the armed services, as well as guerrillas and drug traffickers, have been involved are among the most disturbing causes of internal displacement.

The use of mines in areas populated by civilians constitutes one of the most serious violations of the rules of war.

The following factors must be taken into consideration: the availability of public services, economic opportunities and development prospects, which may lead to internal population movements of a permanent nature.

In Colombia, the psychological trauma is aggravated by the fact that perpetrators of murders go unpunished; this impunity constitutes a new form of violence.

The situation of displaced women is particularly difficult. Displaced women with children have to take on the role of head of the household and shoulder responsibility for a new struggle for survival of the family.

The psycho-social consequences of displacement are innumerable and frightening: the marks left by violence and uprooting may be passed on as a kind of negative legacy through the generations, irrespective of the ultimate place of residence.

## Cuba

[Original: Spanish]
[27 September 1993]

The Government of the Republic of Cuba attaches special importance to international cooperation for the prevention of new massive flows of refugees and displaced persons.

We are also in favour of strengthening coordination of humanitarian emergency assistance of the United Nations system. However, we consider that humanitarian assistance should be provided with the agreement of the Government of the host country and of the persons requiring assistance (in this case the displaced persons) in order to ensure that the humanitarian character of the machinery for early warning and preventive diplomacy does not suffer and to prevent attempts by unscrupulous Governments to use that machinery as a pretext for interfering in the internal affairs of States and violating their national sovereignty.

Cuba has traditionally been a country which grants asylum and protection to thousands of people. The most recent case was that of over 5,000 Haitian nationals who arrived on our shores following the establishment of the de facto Government at the end of 1991.

The Government of Cuba, in close coordination with the Office of the United Nations High Commissioner for Refugees, granted them protection and assistance.

Thus Cuba became the only country involved in a joint project with UNHCR for the integration of Haitian refugees into the local community.

The Government of the Republic of Cuba wishes to emphasize the need for both the United Nations and its member countries to redouble their individual and joint efforts not only to aid the most vulnerable groups of the world's population - including refugees and displaced persons - but also to contain the political, economic and social factors which give rise to mass exoduses.

## Denmark

[Original: English]
[13 December 1993]

Denmark makes an important effort in order to mitigate the human pain and the social cost of mass exoduses in situations of conflict.

The former Yugoslavia is a case in point. Regarding this conflict Denmark follows a two strand strategy towards the refugee situation. One measure is to assist in the setting up of refugee camps and other shelter in the region. Another measure is to grant temporary protection in Denmark to especially vulnerable categories of displaced persons, e.g. former prisoners of war, violated women, wounded persons in need of hospital treatment or other especially needy persons.

Denmark's efforts towards refugees and displaced persons are made in close cooperation with the United Nations High Commissioner for Refugees as well as other United Nations bodies, NGOs and Governments.

Denmark also has a long-standing tradition for participation in United Nations peace-keeping operations. Denmark actively supports and attaches great importance to the efforts of the United Nations in this field. Peace-keeping operations have evolved into one of the most effective instruments for the United Nations in the enhancement of international peace and security. Peace-keeping operations, humanitarian intervention, humanitarian protection and preventive deployment are aimed at containing and helping to find a solution to a conflict, alleviating the plight of refugees and displaced persons and assisting in resettlement and are directed against the causes of such exoduses. Denmark's guards in northern Iraq, its troops and volunteers in Bosnia and Croatia and Denmark's participation in the preventive deployment in the former Yugoslav Republic of Macedonia are all examples of the active Danish involvement in this field.

## Finland

[Original: English]
[16 November 1993]

The Government of Finland supports resolution 1993/70 of the Commission on Human Rights. The international community has to pay increasing attention to the early warning of mass movements. This covers addressing effectively the root causes of the refugee problems, including widescale violations of human rights in any potential countries of origin.

In participating actively in international cooperation Finland is interested to find new ways and means to intensify the existing forms of

cooperation. The Government of Finland considers it important that special emphasis is given in the resolution on cooperation between other States and organizations, with a view to preventing uncontrolled mass movements of populations.

The Nordic countries cooperate in various levels of the administration and at the ministerial level. There are annual conferences on cooperation in information services and documentation. At the regional level there is cooperation within the framework of the CSCE (Conference on Security and Co-operation in Europe).

The Government of Finland attaches great importance to the preparation by UNHCR and IOM on the mass information Programme in Russia to prevent uncontrolled migration.

The Government of Finland finds it important that UNHCR has sufficient personnel and material resources to be able to support States in the implementation of the measures required by the 1951 Convention and the Protocol. Finland provides statistical and other information for UNHCR regarding developments in the above mentioned internal cooperation.

## Guatemala

[Original: Spanish]
[17 November 1993]

Guatemala is one of the three Central American countries affected by displacements of its population (the other two are El Salvador and Nicaragua) as a result of the exacerbation of the internal armed confrontation in the 1980s.

Apart from the Guatemalan refugees registered as such in neighbouring countries, this situation has obliged many families and individuals to move to other areas within the national territory as a survival strategy.

When repatriation began to get under way in 1984, three social segments that require the same kind of care were identified in the country: repatriated persons, internally displaced persons, and local population in a poverty situation. The characteristics common to all three categories are poverty and marginalization, which are manifested to extreme degrees.

Faced with this situation, the States affected by the presence of these populations have taken measures determined by humanitarian, economic, political and national security considerations.

In general, it can be stated that the migratory flows have major repercussions upon the countries of origin and destination, prominent among these being the medium- and long-term implications for economic and socio-political development.

One of the effects causing greatest concern to Governments is the pressure that these migrations exert upon the labour market in the place of

destination and the financial and institutional efforts necessitated in the receiving State in order to provide special care for these populations.

Though the protection of human rights is a universal concept, the specific problems faced by uprooted populations have created the need to establish minium rights that must be guaranteed for such populations, as is laid down in such international instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights, and the Geneva Conventions. These include, notably, the rights:

(a) To request and receive humanitarian aid without impediment;

(b) To be provided with adequate documentation;

(c) Not to be sent back to a place in the country where life, liberty or physical integrity may be endangered;

(d) To freedom of passage and movement;

(e) To family unity and, in case of disappeared families, to the benefit of measures for their settlement and reunification;

(f) Not to be identified as displaced persons if it would result in discrimination;

(g) To enjoy basic economic, social and cultural rights (such as the rights to housing, food, health, work, social security, education, etc.) like the rest of the population;

(h) Not to be subjected to forced displacements of civilian populations;

(i) To voluntary return and repatriation.

## Iraq

[Original: Arabic]
[10 September 1993]

We wish to state that, on principle, the Government of the Republic of Iraq is cooperating with States and international organizations and supporting the endeavours made by the United Nations and human rights organizations with a view to developing an early warning system to avert the problem of mass exoduses or deal with it if it occurs due to various causes such as natural disasters or regional or international armed conflicts which force the population of nearby areas to leave those areas and, sometimes, to enter neighbouring States.

In this connection, we wish to emphasize the view of the Government of Iraq that the refugee problem should be kept within its humanitarian context, in accordance with international humanitarian law, and should not be magnified

by regarding it as a threat to international peace and security, thereby allowing it to be used for the achievement of biased political objectives through interference in the internal affairs of States, as is now happening in some parts of the world.

Iraq supports the humanitarian content of General Assembly resolution 46/127 and believes that there is a need to rapidly find solutions to the tragedy of the Palestinian refugees who were dispersed throughout the world as a result of the Israeli occupation.

## Nepal

[Original: English]
[30 September 1993]

Nepal fully supports and concurs with the appeal made to all governmental and humanitarian institutions for the global solution of and assistance to the serious problems posed by the mass exoduses of displaced and refugee populations. Nepal, since the advent of independence and democracy, has provided shelters to refugees of foreign and Nepalese origin, and at present there are about 100,000 Bhutanese and 15,000 Tibetan refugees in Nepal. The material and humanitarian assistance received from international humanitarian organizations, including the Office of the United Nations High Commissioner for Refugees, towards the relief and other assistances to the refugees from Bhutan during the past two years are especially worth noting.

To date Nepal is not a party to the Convention relating to the Status of Refugees, 1951, and the Protocol relating to the Status of Refugees, 1967.

Keeping in view the attention drawn to the call for early warning and preventive diplomacy related to human rights and humanitarian assistance in "An Agenda for Peace", and information and details on it, evaluation and review will be made on the legal, administrative and practical reforms and progress that were made in the area of human rights.

## Annex II

## REPLIES RECEIVED FROM NON-MEMBER STATES

### Holy See

[Original: French]
[19 November 1993]

I. The resolution addresses the problem of the relationship between displacements of population and human rights from two angles, political and technical, without placing them in opposition to each other but harmonizing them in accordance with the principles set out in the Agenda for Peace. We are pleased to note that, despite the continuing difficulties, the Organization's principles and operating rules are being gradually improved, at least as far as the work of the internal organs is concerned.

The resolution focuses on the concept of preventive diplomacy, as is confirmed by the tendency of the internal organs of the United Nations - the Commission on Human Rights in the present instance - to give a practical meaning to the concept, with its various consequences for peace-keeping, humanitarian action and the settlement of conflicts (see Agenda for Peace, III). The Holy See does not regard these various consequences as separate from the objectives of the United Nations, such as recognition of respect for human rights, within the framework of which the issue of refugees and displaced persons, strictly speaking, belongs.

To these initial comments, we would add that the resolution rightly takes note of the action already being carried out by the United Nations at the operational level - in particular through the emergency relief operations coordinated by UNHCR - as well as measures taken in the area of norms. We refer here to the instruments concerning refugees and displaced persons, the principles and guidelines contained in the resolutions, recommendations and other types of instruments adopted by various bodies or by international meetings which considered not only individual cases but also principles and guidelines reflecting the convergence of views of the majority of the members of the international community. The Holy See has also made its moral and legal contribution to the formulation of these principles.

In the opinion of the Holy See, the way in which the resolution addresses the matter of international action as a whole is particularly important, the aim being to prevent the creation of conditions that will eventually give rise to displacements of populations.

II. Consequently, the resolution's political approach to the problems arising from population displacements, which advocates preventive diplomacy, is the same as that set out in the Agenda for Peace. Its aim is to identify the problems and causes that contribute, directly or indirectly, to the occurrence of population exoduses from one country to other countries or within a given country.

The resolution specifically includes human rights violations and ethnic and other forms of intolerance among the causes. These are two types of

situations which, because of their destabilizing effect, call less for the solution of problems that have already arisen than for the elimination of their underlying causes. Regarding violations of human rights, resolution 1993/70 itself emphasizes that the Office of the High Commissioner for Refugees has already repeatedly affirmed "the direct relationship between observance of human rights standards, refugee movements, problems of protection and solutions".

Considering this issue from the ethical standpoint, the Holy See wishes to point out that neither the mere observation that causes or a series of causes exist nor even the mandatory search for solutions can excuse anyone from the obligation to denounce the individual or collective responsibility incurred by adopting, actively or passively, attitudes or behaviour that are in fact the root cause of exoduses of populations. Refugees, displaced persons and, more generally, movements of populations are the direct result of a lack of will - and only in some cases an inability - to put an end to the pursuit of "special interests", which can mean very diverse interests - economic, political, social, cultural, racial or religious.

More generally, with regard to acts of intolerance which cause internal and international displacements of populations, the resolution expressly mentions the case of minorities and therefore of lack of respect for their rights. Here the problem becomes complex, because not only must the explicit violations of the rights of minorities as such and of persons belonging to minority groups be taken into account, but also the scope of measures to destroy the ethnic, linguistic, religious or cultural heritage of minorities, which have a similar effect by refusing to recognize their identity or that of the individual members of the minority groups.

The specific measures provided for in resolution 1993/70

It should be noted that, unlike other resolutions on the same subject adopted by the Commission on Human Rights - many of which are recalled in the preamble to the resolution discussed here - resolution 1993/70 proposes direct action to "prevent" actual displacements of persons or populations by establishing an "early warning system". Or rather the position adopted was that the problem of exoduses of populations should be placed within the scope of the early warning systems envisaged in the Agenda for Peace, as an instrument put at the service of preventive diplomacy (III, para. 26). An attempt is thus being made, within the United Nations system, to coordinate the action already undertaken by various agencies, each on its own account and within the scope of its own jurisdiction, in order to achieve preventive detection of dangerous situations and to ensure that rapid intervention can take place, if necessary.

Precisely because of the need to make use of all the means of preventive diplomacy, the placing of the control of exoduses of populations within the framework of the projected early warning system, cannot fail to be supported by the Holy See.

It would appear necessary, however, to say something here about the use of this "system" in the specific case of refugees and displaced persons. The early warning system contemplated in the Agenda for Peace and called for in

the resolution, is presented as a measure "to assess whether a threat to peace exists and to analyse what action might be taken by the United Nations to alleviate it" (Agenda for Peace, para. 26). However, the gathering of information is for the purpose of international prevention or even international intervention and even in the case of displacements of populations. In this specific instance, the preventive action of an "early warning system" should be carried out on the basis of the data gathered concerning the existing or probable causes of these displacements: but will preventive action be possible in fact or will it remain subject to limitations by the States whose behaviour is the cause of the displacements?

Furthermore, should the early warning system function only for displacements of populations or should it, on the contrary, also gather information about all the problems relating to refugees and displaced persons, for example the criteria for the granting of asylum which, when they are restrictive, actually create displaced persons? The recent note on international protection (A/AC.96/825) which was submitted for consideration at the forty-fourth session of the Executive Committee of the High Commissioner's Programme, appears to pose the same type of question.

The Holy See wishes therefore to emphasize the risk of having a prevention system which does not focus on the causes of the problem but deals more specifically with the interventions to be envisaged once the displacements have started or have been completed. The international involvement would thus form a part of the usual humanitarian action which, in the case of refugees and displaced persons, comes under the jurisdiction of the Office of the United Nations High Commissioner for Refugees.

## Annex III

## REPLIES RECEIVED FROM UNITED NATIONS AGENCIES

### United Nations High Commissioner for Refugees

[Original: English]
[17 December 1993]

To address the growing global refugee problem the High Commissioner has committed the Office to a three-point strategy of prevention of the circumstances which force people to flee, preparedness to provide effective protection and assistance, and solutions, particularly through voluntary repatriation. While the Office continues to do the outmost within its mandate to provide international protection to refugees and to seek durable solutions to their problems, the comprehensive approach summed up in the three-point strategy requires the active involvement of States, United Nations bodies and other intergovernmental organizations, and non-governmental organizations. The importance of this comprehensive strategy has been recognized by the 1993 World Conference on Human Rights and the United Nations General Assembly, as well as by the Executive Committee of the High Commissioner's Programme.

One element in the comprehensive strategy is accurate information on potential humanitarian disasters. The Office participates actively in the inter-agency consultative mechanism on early warning chaired by the Department of Humanitarian Affairs, sharing information on situations which may create or affect mass exoduses. The Office is also discussing on a regular basis, both with DHA and with the interested academic community, ways and means to develop a coherent and effective system for the collection and analysis of early warnings of humanitarian crises.

Another key element of the comprehensive strategy is early and effective response to early warning. Strengthened implementation of human rights standards can address the causes that force people to seek protection in another country, ensure that those in need of asylum are able to obtain it, and improve conditions in the home country so that those who have fled can return home voluntarily.

As the High Commissioner has observed in her statements at the forty-eighth and forty-ninth sessions of the Commission on Human Rights, the Commission can play an important role in focusing attention on human rights situations which are generating or threatening to generate refugees or which impede their voluntary return. Many such situations fall within the mandates of existing country-specific or thematic mechanisms, including but not limited to that of the Secretary-General's Representative on internally displaced persons, thus providing members of the Commission and others in the international community with opportunities to examine more closely the links between implementation of human rights standards, or lack thereof, and refugee flows.

The Office has also noted with interest the establishment of a sub-item on the Commission's agenda entitled "Human rights, mass exoduses and displaced persons". This is a welcome recognition of the importance of focusing debate

on effective means to respond to violations or threatened violations of human rights before large numbers of people are forced to flee. As one contribution to such a debate, the Office wishes to draw to the attention of the Commission on Human Rights its recently-published State of the World's Refugees: The Challenge of Protection, which analyses the world refugee situation not only in terms of humanitarian action but in the broader context of political initiatives to promote peace, development and human rights. Members of the Commission and others may also wish to refer to the latest UNHCR annual report to the United Nations Economic and Social Council (E/1993/20), which provides information on the main activities carried out by the Office for the benefit of refugees and displaced persons.

## Annex IV

## REPLIES RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

### International Federation Terre des Hommes

[Original: French]
[4 November 1993]

IFTDH wishes to draw the attention of the Commission on Human Rights to the question of anti-personnel mines, since it is closely linked to that of mass exoduses.

The indiscriminate use of such mines wounds and kills more people after the end of hostilities than during the fighting. Entire villages, tracts of arable land and forests become no-go areas. According to some estimates, there are about 100 million mines scattered throughout the world, and 800 people die each month from mine-inflicted injuries. Most of the victims are civilians living in developing countries, and particularly women, children and farmers. The use of anti-personnel mines has consequences for population movements. Such mines can make areas uninhabitable for decades, and refugees are prevented from returning to their homes when these are in places exposed to mines. Not only do the refugees risk being wounded or killed by mine explosions, but their land has become uncultivable, thereby depriving them of their means of subsistence.

It also becomes very difficult for displaced persons to contemplate returning to their land, and thus an entire reconstruction effort following an armed conflict is disrupted and the situation of displaced persons is prolonged indefinitely.

Although mines are generally used in conflicts as such, they are also increasingly employed for other purposes, for example to control population movements and to contain flows of refugees from one country to another.

It is clear that the indiscriminate use of anti-personnel mines constitutes a violation of human rights which has implications for the question of displaced persons and refugees. Paragraph 16 of resolution 1993/70 refers to preventive diplomacy in the areas of human rights and humanitarian assistance. Such preventive diplomacy should take account of the question of mines and incorporate it in a broader programme for restoring peace after conflicts. According to paragraph 58 of "An Agenda for Peace", demining is vitally important for the establishment and maintenance of peace. It also serves to restore agriculture and transport, which are indispensable to economic recovery. IFTDH considers that, in addition, refugees wishing to return to mine-exposed areas should be given adequate training so as to enable them to escape the dangers. Lastly, in the longer term, United Nations preventive diplomacy should seek the total prohibition of anti-personnel mines.

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